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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,186	10/18/2001	Warren Thomas Johnson	USFMCR.003C1	4840
20995	7590	09/05/2002	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			MENON, KRISHNAN S	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 91614			1723	
DATE MAILED: 09/05/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	10/045,186	JOHNSON ET AL.
	Examiner Krishnan S Menon	Art Unit 1723

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 October 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1.) Certified copies of the priority documents have been received.

2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION*****Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in AU on 4/20/2000. It is noted, however, that applicant has not filed a certified copy of the PCT/AU00/00352 application as required by 35 U.S.C. 119(b).

Applicant's preliminary amendment dated 10/18/01 (paper # 6) is noted. Applicant is informed that the instant application is not being considered as a national phase application under 35 USC 371, but a continuation of the PCT application PCT /AU00/00352. However, proof of copendency is required if applicant intends to have the present application to be considered as a continuation of PCT/AU 00/00352. Specifically, applicant is required to send a copy of PCT/IPEA 402 or PCT/IB332 indicating a demand was timely filed for international preliminary examination. Furthermore, according to MPEP 1895, the continuing US national application must include an appropriate reference to the prior PCT application either in the application data sheet or in the first sentence of the specification and include an indication whether the prior PCT international application was published under PCT §21(2) in English in the first sentence of the specification. Also a new declaration correctly claiming the foreign priority is required.

***Specification***

The disclosure is objected to because of the following informalities:

Pages 7-9 and drawings 11, 12a and 12b: the communication relation between the end cap 20, cleaning conduit 11 and the collar 4 are not clear. The communication channel seems to be through the shaft 22. However, shaft 22 is described as a solid rod in the embodiment described.

While the filtrate and the cleaning fluid conduits are described, the influent/effluent fluid conduits or their communication with the collar or the sub-modules are not described.

Appropriate correction is required.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The locking flange 6, page 7 line 6, is not indicated in the figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10, 12-23, and 25-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 91/16124. WO (124) discloses a filter manifold with hollow fiber bundle filter cartridges, an array of such manifolds and a bank of an array of such manifolds (fig 1, 6) (instant claim 1, 17 and 22). The

apparatus has manifolds as head and base pieces (fig 1), filtrate and cleaning fluid conduits (instant claim 22) (43-fig 2; p-32 para 3 – back wash), a collar (56-fig 1) adapted to receive the housing (11-fig 1), connecting sleeve with locking formation (20, 31-fig 1), clip adapted to engage the collar and lock formation (68-fig 2 and 20) that prevents axial withdrawal of the module (instant claim 1, 17). The housing and the collar are in fluid communication (instant claim 2) (fig 2), collar has internal stepped seat for engaging with the module (58-fig 2) (instant claim 3), locking formation comprising radial outward flange on the sleeve (instant claim 4) (detail at 68, fig 2) the clip is split, with cylindrical side wall, engages with the sleeve and a step on the collar, and is in circumferential locking engagement with the collar (instant claim 5-7, 12, 13) (67, fig 2); the top flange is partially circumferential as in instant claim 10 (68-fig 20); there can be four modules in a manifold arrangement (fig 6); collars are in common plane and have axes parallel with the module housing (instant claim 14-16) (fig 6); manifolds in head and base pieces, base piece can have a cleaning fluid conduit (p-32 para-3; fig 1), there is a removable cap at the end of the housing (31, fig 2) (instant claim 18-21). Filtrate and cleaning fluid conduits are above head and base piece (fig 2) (instant claim 23). Aperture in cleaning fluid conduit (72, fig 2), housing is in communication with the filtrate conduit (49-fig 2), the array is adapted to be inserted in an open bank, and there is an array train (instant claim 25-30) (fig 1, 6).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8,9,11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 91/16124 in view of Hickok (US 5,401,401).

WO(124) discloses manifolds, apparatus and banks of apparatus as described above, but fails to disclose the clip with projections (instant claim 8,9) being hingedly connected to the collar (instant claim 11), and having a cleaning fluid conduit running between the collars of adjacent submodules (instant claim 24). Hickok (401) teaches a split ring clip, hand adjustable, with projections and flanges to engage with grooves in the mating pipe (113-fig 4,5). It would be obvious to one of ordinary skill in the art at the time of invention to chose a clip as taught by Hickok (401) in the teaching of the manifold by WO(124) as alternate but equivalent structure having equivalent function. It would be obvious to one of ordinary skill in the art at the time of invention to have this clip hanging on to the collar by a hinge or a peg (as in instant claim 11), a common practice followed to attach keys and tools to the apparatus so that they are not lost. It would also be obvious to one of ordinary skill in the art at the time of invention to provide a cleaning fluid conduit by running it concealed in the space between the collars of rows of adjacent modules to provide cleaning fluid (like air) supply to the manifolds, a common aesthetically good plumbing practice.

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### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Selbie (5,194,149) and Hemp (US 5,389,260) disclose similar manifold and filter cartridge arrays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan S. Menon  
Patent Examiner  
September 4, 2002

*John Kim*  
JOHN KIM  
PRIMARY EXAMINER  
GROUP 1300